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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/344,499	06/25/1999	JOHN S. HENDRICKS	026880.00014	9133

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EXAMINER

ABEBE, DANIEL DEMELASH

ART UNIT	PAPER NUMBER
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2626

NOTIFICATION DATE	DELIVERY MODE
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01/28/2010

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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Office Action Summary	Application No. 09/344,499	Applicant(s) HENDRICKS ET AL.	
	Examiner Daniel D. Abebe	Art Unit 2626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 November 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6,8-13,22-27,29-34,43-54 and 59-62 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6,8-13,22-27,29-34,43-54 and 59-62 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Response to Arguments

Applicant's arguments filed on November 10, 2009 have been fully considered but they are not persuasive.

Broadly speaking, the present invention is related to a method and apparatus for remotely providing electronic book to a viewer where the book data is synthesized at the viewer terminal.

With regard to claim 1 and the corresponding similar independent claims, Yoshimune prior art was used for addressing the step of providing the book data while Sears was used to address the step of presenting the book data in audio form.

However the applicant argues asserting that Yoshimune "doesn't teach or suggest selecting a book from a list of books stored in an operation center" or in other word the applicant claims that the book is stored and accessed from the storage of the user terminal rather than being selected and accessed from the data center. The examiner disagrees. Yoshimune system, similar to the present invention, is related to a scheme of providing a remote electronic book for user terminal comprising a data center wirelessly coupled to a user terminal where the data center comprise means for receiving book request from the user terminal, accessing the book data and transmitting the book data to the user terminal and where the user terminal includes means for receiving the book data and storage means for storing the book.. The examiner agrees that the user terminal of Yoshimune includes storage means for storing multiple books where the books are selected and accessed accordingly by the user, but Yoshimune

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also teaches where the user terminal includes means for selecting and requesting new books directly from the data center for storage and later reading. Yoshimune teaches

The database data are then transmitted from the data transmission unit 134 of the data center to the data receiving unit 141 of the user terminal side system 140 and stored in the data storage unit 142. (step S102).

At this point, in a case the **data content display request operation is made at the data operation input unit 147 of the user terminal side system 140, the data content display request is transmitted to the data request receiving unit 1 of the data center side system 130** through the input control unit 148 and the display request transmission unit 150. As a result, the key retrieval unit 136 retrieves the key corresponding to the requested item from the keys stored in the key storage unit 133, and transmits the processing signal to the charging processing unit 137. The charging processing unit 137 then carries out the charging processing in response to the processing signal (step S103). Then, the data on the number of utilized database item is stored in the individual utilization data management unit 138. After the transmission of the processing signal, the key retrieval unit 136 transmits the retrieved key to the data transmission unit 134, and the data transmission unit 134 transmits this key as the key data to the data receiving unit 141 of the user terminal side system 140 (step S104).

Next, the user looks at the displayed table of contents, and decides which item's data content should be displayed. Here, as an example, a case of displaying the data content of the item number "2A" will be described. In this case, the user enters the item number "2A" from the keyboard of the data operation input unit 147 as a request for deciphering and displaying the data content of the enciphered data. In response, the input signal indicating this item number "2A" is transmitted to the input control unit 148, and the input control unit 148 which received the input signal for "2A" transmits it to the data control unit 149, while also transmitting it to the display request transmission unit 150 as an item number to be the deciphered and displayed. The display request transmission unit 150 which received this item number "2A" then transmits this item number "2A" along with the user registration number such as "A1234" memorized in advance to the display request receiving unit 135 of the data center side system 130."

According to these and other statements and drawings available through out the

Yoshimune Patent, its clear that a book selection from list of books available at the data

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center is made by the user of the user terminal where the selected book is accessed, processed and transmitted to the user terminal from the data center as claimed in the present invention. it is also noted that the step of presenting the book data in audio form, as oppose in text form, is taught by Sears and Quentin.

for these reasons the examiner submits that the inventive steps of the claimed invention are anticipated by Yoshimune in view of Sears and Quentin as addressed below and argued above and maintain his previous rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-5, 8-13, 22-26, 29-34, 43-54 and 59-62 are rejected under 35

U.S.C. 103(a) as being unpatentable over Yoshimune et al. (6,438,233) and in view of Sears et al. (6,115,482)

As to claims 1, 43 and 51 Yoshimune (Fig.5) teaches a method of providing an electronic books comprising the steps of:

selecting an electronic book from a list of available electronic books stored (52) in an operation data center (50), where the operation center is remote;

receiving the selected book and displaying the pages on a terminal (55) display

see (Figs.5-11, 16-22, 31, 32, 36-42 and 51-53; Col.12, line 34-Col.13, line 55).

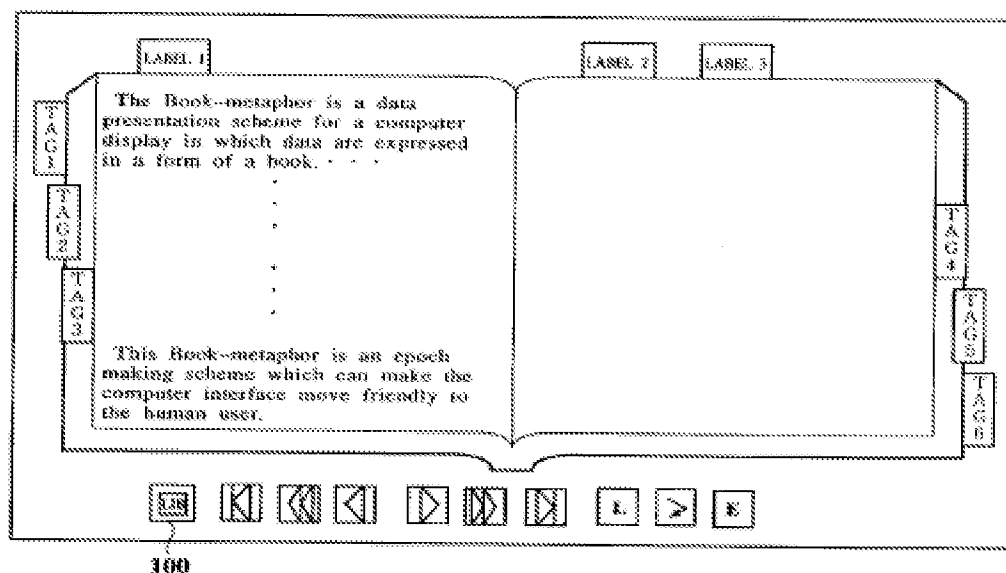
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It is noted that Yoshimune doesn't explicitly teach the claim limitation where the displayed electronic text materials are **"provided as audio"**.

Sears, however teaches a method for providing an electronic book in audio form utilizing text to speech conversion of a text material that is displayed on a display device wherein the text material comprises electronic books, magazines, newspaper etc, comprising the steps of receiving selection of the text and synthesizing the speech (Fig.1; abstract; Col.3, lines 20-50; Col.4, lines 12-33; Col.4, line 66-Col.5, line 5; Col.6, lines 13-20).

providing the electronic book would have been obvious to one of ordinary skill in the art at the time of applicant's invention for the purpose of allowing people to listen the book instead of reading it.

FIG.10



As to claims 4, 44 and 52, Sears teaches where definitions/translations are verbally provided for words selected by the user (Col.10, lines 5-15).

As to claims 5 and 49, Sears teaches adjusting the rate of the audio output corresponding to the text and the user command (Col.9, lines 55-65).

With regard to claim 8, Yoshimune teaches the method for selecting a book where the book is accessed from a remote location and displaying the selected book for reading and Sears teaches where the displayed pages are verbally read by an electronic book system as addressed above.

As to claims 9-10, Sears teaches controlling the speed and the style of the audio corresponding to text (Col.6, lines 13-20; Col.9, lines 55-65; Col.10, lines 16-30) and pausing and resuming the audio are inherent in light of these features.

As to claim 11, the method is analogous to claims 1 and 8 above and therefore rejected by Yoshimune in view of Sears for the foregoing reasons.

As to claims 12-13, Sears teaches controlling the speed and the style of the audio corresponding to text (Col.6, lines 13-20; Col.9, lines 55-65; Col.10, lines 16-30) and pausing and resuming the audio are inherent in light of these features.

With regards to Claims 22-26 and 29-34, the corresponding apparatus for performing the claimed method of providing text into audio form is analogous and therefore rejected by Yoshimune in view of Sears.

As to claims 47-48, Yoshimune teaches where the displayed text includes digital video image and Sears teaches where the system speaks aloud text corresponding to t

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the displayed video images and displayed text when

the user requests a more detailed explanation (Fig.8; Col.21, lines 28-32).

As to claims 59-62, the presentation of the audio output in Sears is in real time where the text is synthesized using audio files.

As to claim 50, Official Notice is taken that providing prompts in audible form is well known in the art at the time of applicant's invention and would have been obvious in view of the prior arts of record as an alternative to the text prompts.

Claims 2-3, 45-46 and 53-54 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yoshimune et al. (6,438,233) in view of Sears et al. (6,115,482) above and further in view of Quentin et al. (5,208,745)

As to claims 2-3, 45-46 and 53-54, Sears teaches controlling the speed and the style of the audio corresponding to text (Col.6, lines 13-20; Col.9, lines 55-65; Col.10, lines 16-30) but doesn't explicitly teach the claimed features of pausing and resuming commands. However, Quentin teaches a method for verbally presenting electronic books and articles, where the user interrupts the audio presentation of the text by the multimedia through commands (Col.13, lines 50-55). The steps of pausing and resuming the audio are inherent in light of these features.

Claims 6 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yoshimune (6,438,233) in view of Sears et al. (6,115,482) and further in view of Huffman et al. (5,663,748).

With regard to claims 6 and 27, Sears teaches providing an electronic book in audible form, however he doesn't explicitly teach selecting the voice.

Huffman teaches a system for providing an electronic book in audio form by synthesizing speech from the text comprising a customized voice dictionary (Figs.1-6; Col.7, lines 35-45) wherein the voice dictionary comprises voice font for presenting the electronic book is selected (Fig.10; Col.7, lines 45-54). It would be obvious to one of ordinary skill in the art at the time of applicant's invention to combine the teachings for the purpose of providing the audio output in a voice of the user choice.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel D. Abebe whose telephone number is 571-272-7615. The examiner can normally be reached on monday-friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Hudspeth can be reached on 571-272-7843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Daniel D Abebe/
Primary Examiner, Art Unit 2626